



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/255,325.	02/23/99	HAMALAINEN	J 297-005754-U

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EXAMINER

LEE, C

ART UNIT

PAPER NUMBER

2739

DATE MAILED:

05/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/255,325

Applicant
Jari Hamalainen et al

Examiner
Andrew Lee

Group Art Unit
2739



☒ Responsive to communication(s) filed on Mar 6, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-67 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-20, 23, 25-38, 42, 44-57, 61, 63, and 66 is/are allowed.

☒ Claim(s) 21, 22, 24, 39-41, 43, 58-60, 62, 64, 65, and 67 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-67 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 39, 40, 21, 41, 22, 43, 24, 58, 59, 64, 60, 65, 62 and 67 are rejected under 35 U.S.C. 102(b) as being anticipated by Shepherd et al U.S. Patent No. 5,117,423.

Re Claims 39, 40, 41, 43, 58, 59, 60, 62 Shepherd et al teaches in fig 2, plurality of radio channels are divided by time slots wherein within each frame 12 of the 24 slots are allocated for transmission in the forward direction and the other 12 slots are allocated for the reverse direction (defining uplink and downlink logical channels); further teaches fig 2, the message structure used within the time slots which contains eight bytes of signalling data 20 and forty bytes of data 22 (see col 1, lines 34-66); further teaches that if it is known in advance or realised that (reservation of n time slots) a data transaction will be or is aysymmetric then two or more duplex voice

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channels (variable number of time slots allocated) can be assigned to the data transaction for the duration of the transaction (see col 3, lines 20-35).

Re Claims 21, 22, 24, 64, 65, and 67, it is inherent that the number of time slots is dependent upon a total demand for packet data transmission in the cell, a system is only limited to capacity it is designed for, i.e., number of time slots.. The total demand for the packet data transmission can not exceed the system capacity. Therefore, the system will only allocate time slots within its capability.

Allowable Subject Matter

4. Claims 1-20, 23, 25-38, 42, 44-57, 61, 63, 66 are allowed.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703)305-1500. The examiner can normally be reached on Monday-Friday from 8:30 AM - 6:00PM, Eastern Time. If attempts to reach the examiner by telephone are not successful, the examiner's supervisor, **Mr. Chau Nguyen**, can be reached on 703)308-5340.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, DC 20231 or faxed to:

(703) 308-9051, for formal communications intended for entry or (703) 308-5403,

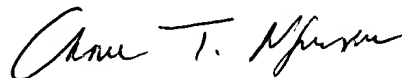
for informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**.

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, Virginia Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703)305-3900.


Andrew Lee

May 19, 2000.



CHAU NGUYEN
PRIMARY EXAMINER